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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

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SUMMARY RECORD OF THE FIRST PART (PUBLIC)*
OF THE 21st MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 13 May 1997, at 3 p.m.

Chairperson: Mr. CEAUSU
(Vice-Chairperson)

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* The summary record of the second part (closed) of the meeting appears as document E/C.12/1997/SR.21/Add.1.

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 7) (continued)

Initial report of the Libyan Arab Jamahiriya (continued) (E/1990/5/Add.26; E/C.12/Q/LIBYA.1)

1. At the invitation of the Chairperson, Mr. Al Badri, Mrs. El Hajjaji and Mr. Al Mejebri (Libyan Arab Jamahiriya) took places at the Committee table.

Issues relating to specific rights recognized in the Covenant (arts. 6 to 15)

2. Mr. AL BADRI (Libyan Arab Jamahiriya) said that trade union members also belonged to the people's congresses and, in that capacity, they were able to take decisions, formulate policy and participate in the planning of executive programmes. Each trade union was accorded legal specificity. Protection of workers was inherent in the rules of trade unions, which might be involved for the purpose of settlement of grievances.

3. Replying to a question from Mr. Texier, he said that there was a form of "masked" unemployment when employed persons were actively seeking jobs offering better working conditions. The partnership system, through the people's congresses, encouraged the participation of Libyans in the job market. Unemployment was therefore not a problem in the country. Basic wages were adequate to meet the needs of workers and in addition to wages, there was also a system of payment in kind.

4. Replying to a question from Mr. Adekuoye, he said that women could apply for enforcement of certain laws protecting their interests.

5. Mrs. EL HAJJAJI (Libyan Arab Jamahiriya), in response to comments by Mr. Texier, said that her delegation was not claiming that the Libyan Arab Jamahiriya was a paradise on earth. She recognized that the country, like so many others, faced certain administrative problems and difficulties in the implementation of certain provisions of the Covenant. The sparseness of the population was a contributing factor tc the shortage of manpower in general, and of qualified and highly-skilled personnel, in particular.

6. Deportation was not a practice unique to Libya; all countries deported aliens who had entered their territory by illegal means. She referred to a specific situation that had occurred in another country, in which a large number of aliens had been deported, in spite of strong resistance and opposition.

7. Mr. TEXIER, speaking on a point of order, said that the delegation had perhaps misunderstood that his allusion to "paradise on earth" was in reference to the delegation's earlier reply concerning the right to strike. He took it that Mrs. El Hajjaji was referring to France in the example she

gave relating to deportation. He wished to clarify that he was a member of the Committee in his personal capacity as an independent expert. He was personally opposed to his own country's policy on immigration.

8. The important issue to be addressed was the motivation behind acts of deportation. States parties certainly had a sovereign right to carry out deportations, but it was crucial that such practices took place under humane conditions and that potential deportees had the right of appeal. Moreover, the reasons for a decision on deportation must be acceptable. It appeared, from the responses of the delegation, that in the case of the Libyan Arab Jamahiriya, foreigners were being blamed for many evils. The reasons given for the deportation of foreigners did not appear to be compatible with international human rights standards.

9. Mrs. El HAJJAJI (Libyan Arab Jamahiriya) apologized for the misunderstanding and asked Mr. Texier to specify which were the groups of foreigners for whom access to the Libyan Arab Jamahiriya had been restricted.

10. The CHAIRPERSON explained that delegations from reporting States parties were invited before the Committee to respond to questions concerning the implementation of the provisions of the Covenant. Several Committee members had commented on the situation of foreigners in the Libyan Arab Jamahiriya, as there had been reports of foreigners being expelled in large numbers, without their cases being evaluated individually, and without the right of appeal. The Committee's concern related to the procedures adopted by the Libyan authorities and its members and wished to have specific information on the legal and administrative procedures undertaken prior to deportation.

11. He reminded the delegation that the procedure followed by the Committee made it possible for governments to submit additional information in writing, in the event that the delegation attending a meeting was unable to provide information that was requested.

12. Mr. AL BADRI (Libyan Arab Jamahiriya), referring to issues 31-34 (E/C.12/Q/LIBYA.1), said that his Government would provide the necessary statistics in due course. He did not have the exact number of beneficiaries of social security for the years 1990-1995, but there had been indications that the 33 per cent increase in the number of beneficiaries concerned was lower than expected. He confirmed that his country had not signed the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

13. The CHAIRPERSON pointed out that the delegation had not answered all the questions asked and said that the Committee therefore expected written responses to questions 31-32 at a later date.

14. Mr. SADI asked what were the Libyan Arab Jamahiriya's objections to signing the ILO Convention concerning migrant workers?

15. Mrs. JIMENEZ BUTRAGUEÑO, referring to the table presented in paragraph 58 of the report (E/1990/5/Add.26), asked whether pensioners were allowed to work. She drew attention to a 1996 ILO report which stated that, under Libyan legislation, foreign residents who were not Libyan nationals

received only a small amount in social benefits and that Libyan nationals enjoyed a higher income when they stopped working. She asked the delegation to comment on that discrepancy which the ILO Committee of Experts considered to be a contravention of article 3, paragraph 1, of Convention No. 118 concerning Equality of Treatment of Nationals and Non-nationals in Social Security.

16. Mr. AL BADRI (Libyan Arab Jamahiriya) said that the protection offered by the Libyan social security system ensured that all individuals, including pensioners, were able to meet their needs and to enjoy a reasonable standard of living. Under special governmental guidelines, pensioners were allowed to work in order to further improve their standards of living. Regular pensions, retirement income provided for retirees from the public service and special benefits paid to vulnerable groups ensured that no one in the Libyan Arab Jamahiriya was without a basic income.

17. Mrs. EL HAJJAJI (Libyan Arab Jamahiriya) said that her country had not yet signed the Convention concerning migrant workers because that instrument was relatively new and had not yet entered into force. As far as she knew, only a few countries had so far signed the Convention. The question of signature of the Convention was at present under discussion and an official decision would be taken in due course. There did not appear to be any fundamental opposition to her country signing the Convention.

18. The CHAIRPERSON invited the delegation to provide a written response to Mrs. Jimenez Butragueño's questions.

19. Mrs. JIMENEZ BUTRAGUEÑO said that she would also like to know whether retirement benefits for military personnel were equal to, or higher than those granted to retirees from other sectors.

20. Mrs. EL HAJJAJI (Libyan Arab Jamahiriya) said she believed her delegation had already answered Mrs. Jimenez Butragueño's questions. It took note, however, of her further query concerning military personnel and would furnish a written answer in due course.

21. Referring to the implementation of article 10 of the Covenant, she said that her delegation was unable to give answers relating to issue 35 in document E/C.12/Q/LIBYA.1. Regarding issue 36, she said that polygamy was permitted if the first wife was in agreement. There was a process through which a woman could submit a petition of divorce, through the people's committees, to the appropriate court. Regarding issue 37, children born out of wedlock bore their father's name, if known, and their mother's name if he was not known. They had the same right of inheritance as children born within marriage. In response to issue 38, she said there were 810 welfare centres caring for approximately 120,000 children throughout the country.

22. Divorced women were entitled to raise their children after the breakup of marriage, and a woman could submit a petition of divorce without being victimized and without prejudice to subsequent social benefits.

23. No statistical information was available regarding the number of persons living in welfare or guidance centres, or in special homes. Employment of children under the age of 18 was illegal under the labour legislation.

24. Mrs. JIMENEZ BUTRAGUEÑO requested information on the prevalence of violence against women and the nature of measures to combat the phenomenon, on the number of abandoned children - she found it regrettable that such children could not be adopted - and on the prevalence of female prostitution.

25. Mrs. EL HAJJAJI (Libyan Arab Jamahiriya) said that, although violence was proscribed by national legislation, the State could not intervene in cases of domestic violence, which was in all events rarely reported, since relatives generally resolved such situations. Under Islamic law, adoption was not permitted, although many families fostered abandoned children. Prostitution, which was contrary to traditional Islamic social values, was not widespread.

26. Mr. AL BADRI (Libyan Arab Jamahiriya), referring to article 11 of the Covenant, informed the Committee that 28 per cent of his country's development budget had been allocated to housing between 1991 and 1995. The housing deficit stood at 73,378 units, corresponding to 2 per cent of the national population. Twenty per cent of those without adequate housing owned plots of land. The State subsidized staple foods, which were available through cooperative stores. The minimum wage was 120 Libyan dinars, which was sufficient to guarantee the right to a decent standard of living. He did not have information on the number of farmers and shepherds living below the poverty line.

27. Mrs. JIMENEZ BUTRAGUEÑO requested further information concerning the rural population as a whole and rural women in particular.

28. Mr. AL BADRI (Libyan Arab Jamahiriya) said that a recent census had revealed a close parity in the number of men and of women.

29. Mrs. EL HAJJAJI (Libyan Arab Jamahiriya), referring to article 12 of the Covenant, said that 8 per cent of the gross domestic product (GDP) was allocated to providing free medical care, to which all citizens and foreign residents were entitled. The incidence of HIV/AIDS was extremely low - only 20 national cases had been reported, while other cases involved foreigners. Few other endemic diseases existed, and the State had introduced preventive measures, including quarantine. All visitors and aliens were required to demonstrate that they were free of TB, leprosy and HIV/AIDS, failing which they were deported. No aliens were permitted to work until they produced a certificate stating that they had no communicable diseases. Female circumcision was not practised in the Libyan Arab Jamahiriya, and abortion was permitted only under medical supervision in situations in which the mother's health was threatened.

30. Mr. SADI asked whether the HIV/AIDS reporting system was entirely reliable, given that only 20 cases had been reported, and whether a prevention campaign existed. He invited the delegation to comment on information that female circumcision was still practised in remote areas of the Libyan Arab Jamahiriya.

31. Mrs. JIMENEZ BUTRAGUEÑO drew attention to the high rate of women dying in childbirth and asked whether a family planning system existed, which might serve simultaneously to prevent the spread of AIDS and to reduce the number of unwanted pregnancies.

32. Mr. TEXIER said that, in view of the limited responses offered, he did not consider it worthwhile to ask any further questions. He had been shocked to hear the stock reaction that foreigners were responsible for AIDS. The health certificate requirement for employment and the expulsion of sick foreigners was in his view a scandalous example of discrimination.

33. Mr. ADEKUOYE noted that the delegation had made no mention of mental health. He asked whether treatment for mental illness was available.

34. Mr. AL BADRI (Libyan Arab Jamahiriya) said that the country's general health programmes were being implemented in conformity with WHO guidelines. A special committee had been established to draw up and implement disease control programmes, as well as a programme on family planning, known as birth spacing, which had achieved positive results. He was anxious to dispel any misunderstanding in relation to the AIDS question, but was obliged to state, without prejudice, that most cases in the Libyan Arab Jamahiriya involved foreigners and very few Libyan nationals were affected. Obviously, no survey could be guaranteed to be entirely accurate, but the national committee responsible for controlling AIDS was extremely vigilant. Meanwhile, a national centre had been established to care for patients. The State was also conducting a media campaign to raise awareness of the problem.

35. His country was proud of its unusually low neonatal mortality rate of 20 per 1,000 live births, particularly in the light of its limited technological capability. Mental health treatment was a prime concern and a marked reduction in the number of patients had been achieved over the previous 10 years. The Libyan Arab Jamahiriya was collaborating in World Health Organization projects in that field.

36. Mrs. EL HAJJAJI (Libyan Arab Jamahiriya) agreed that unidentified HIV and AIDS cases might well exist and said that the 20 cases that had been mentioned corresponded to information contained in hospital records. The current emphasis was on containing the spread of the disease, by means of a campaign of radio and television seminars and interviews, which reached a wide audience. The objectives of the birth spacing programme were to reduce the rate of deaths during childbirth and to ensure adequate provision for children by limiting the size of families. By tradition, however, people took pride in having large families.

37. She agreed with Mr. Texier regarding the discriminatory nature of deportations, but suggested that the same practise existed in other countries, motivated in part by the high cost of caring for AIDS patients.

38. Mr. ADEKUOYE, referring to earlier allusions to deportation of foreign drug users, asked whether the prevalence of drug abuse had decreased as a result of such action.

39. Mr. TEXIER asked which countries refused to admit people infected with HIV/AIDS. Such a practice constituted an evident violation of numerous human rights instruments, and AIDS patients deserved care whether or not they were aliens.

40. Mr. GRISSA asked whether deportation was also ordered in the case of foreigners who had been granted a work permit after obtaining a clean bill of

health, but who had subsequently contracted AIDS in the Libyan Arab Jamahiriya. The fact that other countries carried out deportations could not be considered a justification for the practice.

41. Mr. SADI repeated his question regarding female circumcision.

42. Mr. AL BADRI (Libyan Arab Jamahiriya) said that the number of deaths in childbirth was small, because mothers attended modern maternity hospitals. Regarding the drugs issue, a recent official report had shown that drugs were brought in from neighbouring countries by the large numbers of migrant workers entering the Libyan Arab Jamahiriya, and that foreign workers who were unable to find employment frequently resorted to drug trading. It had been concluded that the best solution was to bring such people to trial and allow their own countries to take them back. Centres existed for the treatment of drug addicts, and another centre was responsible for combating drug abuse by raising awareness of the problem through the media.

43. Mrs. EL HAJJAJI (Libyan Arab Jamahiriya), responding to the points raised by Mr. Texier and Mr. Grissa, said she recognized that the deportation of and refusal of entry to foreigners infected with HIV/AIDS were discriminatory. However, the authorities wished to maintain the low incidence of the disease among Libyans and the practice, which had been adopted by a number of neighbouring countries, was justifiable on that ground.

44. Referring to Mr. Sadi's comments, she said that female circumcision did not occur in the Libyan Arab Jamahiriya. Indeed, many Libyans regarded the practice with horror. It did take place, however, in other countries of the region.

45. Referring to articles 13 and 14, she said that the measures taken to combat illiteracy in her country included a programme of evening literacy classes for adults and an initiative aimed at increasing the number of village schools. Children of foreign residents were able to enrol free of charge in secondary schools (E/C.12/Q/LIBYA.1, issue 53), except where the establishment in question belonged to the private sector. They enjoyed free medical care and were entitled to the same benefits as their Libyan counterparts. While instruction in Islam, the official religion, was provided in all schools, no non-Muslim pupil was required to attend classes in that subject.

46. She had no statistics indicating the number of Libyans studying in foreign universities (issue 54) or the financial assistance they received. The salaries of teachers and all other categories of civil servant (issue 55) were fixed in conformity with legislation which stated that all workers should be remunerated according to their grade and the tasks they performed. There were, however, special incentives for teachers in higher education, including bonuses and access to credit for those with families. Also, teachers were allowed to take a second job in order to supplement their income.

47. Human rights education (issue 56) was an integral part of Islamic instruction, which was included in the curriculum at all levels. The Secretariat for Education planned to issue schools with simplified texts of all the international human rights instruments to which the Libyan Arab Jamahiriya was a party.

48. Information relating to issue 57 was provided in her country's report.

49. All Libyan children enjoyed the right to free compulsory basic education (issue 58). Disabled children received special education and care in mainstream schools or specialized institutions.

50. Mrs. JIMENEZ BUTRAGUEÑO observed that the tenets of religion did not always concur with the principles of human rights, particularly with regard to the status of women. She asked whether Libyan school textbooks properly reflected the ideals of human rights as they were defined in the relevant international treaties and in the Beijing Platform for Action. She also wished to know whether law enforcement officials, lawyers and other professionals dealing with the problem of violence against women were made aware of the provisions of the relevant international instruments?

51. Mr. WIMER asked whether children from the neediest families received grants for the purchase of textbooks and school equipment.

52. Mrs. EL HAJJAJI, replying to the points raised by Mrs. Jimenez Butragueño, said that, as Muslims, Libyans believed the tenets of Islam to lie at the heart of human rights. Islamic instruction provided pupils with a good foundation, whatever path in life they chose to follow.

53. Referring to Mr. Wimer's question, she said that all textbooks and school equipment were provided free of charge. Pupils were required to bring only note books and pencils, which could be obtained very cheaply since their manufacture was subsidized by the authorities.

54. Mrs. EL HAJJAJI (Libyan Arab Jamahiriya), referring to article 15 of the Covenant and to issue 59, said that 22 per cent of the State's 1997 budget was devoted to the promotion of culture and the dissemination of the benefits of scientific progress.

55. The Great Green Document on Human Rights in the Age of the Masses set out a number of principles regarding the participation by Libyan citizens in cultural life (issue 60). It affirmed the right of every individual to freedom of expression and the pursuit of personal development. Legislation in the field included laws on the right to form cultural associations and writers' and artists' unions. In 1996, the General People's Committee had created a special fund to promote and, in some cases, subsidize cultural activities. Various State prizes had been established in the field of art and letters.

56. There were a number of non-governmental organizations which aimed to promote cultural life in the Jamahiriya (issue 61), including leagues of writers and artists and a journalists' union. The secretaries of those organizations were members of the General People's Congress, the country's chief law-making body, which ensured that the views of their members were taken into account in all decisions on policy. Also, there were more than 400 local cultural associations, including theatrical troupes and art groups, which contributed to the enrichment of cultural life.

57. The Libyan authorities permitted the installation and use of "parabolic antennas" (issue 62). A shareholders' association established in 1994 recorded and rebroadcast programmes received by such antennas in exchange for a nominal sum, ensuring that they were seen by a large number of viewers.

58. The Jamahiriya's policy on the dissemination of works of art (issue 63) affirmed the right of every individual to participate in, or enjoy the fruits of, cultural production. Access to the arts by the masses was promoted through education programmes that sought to provide for the spiritual, intellectual and psychological needs of the people. It was recognized that freedom of expression was a prerequisite for creativity. Through its cultural security measures, the Libyan State sought to protect the Jamahiriya's Arab culture from pollution. There was, at the same time, a desire to combine tradition with modernity by bringing the country's cultural heritage to life through new technology.

59. The Libyan Arab Jamahiriya had a number of publishing houses (issue 64) including the Arab Book Centre, the Centre for Study and Research on the Great Green Document and the Jamahiriya Publication and Distribution House. The Jamahiriya had acceded to the Convention establishing the World Intellectual Property Organization and had ratified the 1886 Berne Convention. In 1997, a national committee had been set up to draft legislation on protection of the rights and interests of authors. The Jamahiriya participated in international symposia on relevant questions and cooperated with committees in neighbouring countries.

60. The Libyan Arab Jamahiriya viewed international cultural exchanges (issue 65) as a valuable means of enhancing understanding between peoples. It had joined the United Nations Educational, Scientific and Cultural Organization (UNESCO) in 1953 and had established a national committee to coordinate participation in UNESCO activities.

61. Mr. RIEDEL said that he wished to know how the legislation cited by the Libyan delegation was applied in practice and whether citizens could invoke their cultural rights before the courts. To what extent were writers and artists and their professional associations free to express their views on cultural rights where they differed with those expressed in the Great Green Document? Which body adjudicated on issues relating to cultural security and was that concept not an excessive limitation of the right to freedom of expression?

62. Mrs. BONOAN-DANDAN said that the Libyan delegation's affirmation of the importance of cultural life in the Jamahiriya was belied by the lack of information on that subject in the country report. The status of article 15 of the Covenant in the country's domestic law was still not clear to her and she should like to have written information on that point. With regard to freedom of expression, the 1995 United States Department of State report on human rights practices indicated that it was forbidden to publish in the Jamahiriya views which ran counter to State policy.

63. Mr. ADEKUOYE asked whether the Jamahiriya had special institutions for instruction in the arts.

64. Mr. WIMER asked what the Government's educational and cultural policy was towards the nomads and whether their particular way of life was taken into consideration.

65. Mrs. EL HAJJAJI (Libyan Arab Jamahiriya) said that all the fine arts, including theatre, were taught, beginning in primary school, and there were, of course, specialized institutions that gave advanced art training. A veritable renaissance of the cinema, including film production, was currently taking place in her country.

66. Concerning the nomads, the Government's plan was to try to settle them in their traditional area, the southern desert, despite the harsh conditions there; houses, schools and health centres were accordingly being built wherever water was available. That was an immensely costly effort for so few people, but since the nomads insisted on remaining in the region where they had lived for centuries, the Government accommodated them. It had not been possible to provide schooling beyond the secondary-school level in such remote places, and those nomads who wanted a university education had to move to the cities.

67. Mr. RIEDEL asked if the Government would respect the decision of a nomadic group in the South which refused the State's generous offer of education and other valuable services.

68. Mrs. EL HAJJAJI (Libyan Arab Jamahiriya) said that in some cases nomads refused to settle. In the past, the Government had opted for a costly solution to the problem that created: it had set up itinerant co-educational schools providing one year of schooling at a time. Currently, as a result of access to the media even in remote areas, the young nomads of the new generation were refusing to follow their parents' way of life and be deprived of education; they then either became a factor contributing to the settlement of their entire family, or they went separately to boarding schools set up for them in cities.

69. A written response would be provided on the issues raised in the United States Department of State annual report on human rights practices. In the meantime, members should bear in mind that there were many political motives behind the assessments made in that report, not all of which were logical or objective. The assertion that Libyans were denied freedom of expression was completely biased.

70. Mr. RIEDEL, and Mrs. BONOAN-DANDAN said that they would still appreciate a provisional answer to the specific questions they had just asked.

71. The CHAIRPERSON, noting the absence of further discussion, said that the Committee had concluded its consideration of the report of the Libyan Arab Jamahiriya, pending receipt of written replies and a special written account of the implementation of article 15 of the Covenant.

The public part of the meeting rose at 5.30 p.m.